IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 2 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHARATBHAI MAGJIBHAI PATEL

Versus

CHUNILAL MERVANBHAI PATEL

Appearance:

MR HRIDAY BUCH for NANAVATY ADVOCATES for Appellants No. 1-9

MR JV JAPEE for Respondents No. 1-4

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 31/01/2002

ORAL JUDGEMENT

1. Heard Mr.Hriday Buch, learned advocate for and on behalf of Nanavaty Advocates, learned advocate for the appellants and Mr.J.V.Japee, learned advocate for the respondents.

2. Learned advocates for both the parties jointly submit that this appeal be disposed of by giving suitable direction to the learned Judge of the trial Court as well as both the parties, without assigning reasons for such type of order.

3. I have heard learned advocates for both the parties. I have gone through the impugned order. This Court is of the view that this appeal is required to be disposed of by giving suitable directions to the learned Judge of the trial Court. In view of this, this appeal is disposed of by giving following directions.

[i] The learned Judge of the trial Court is directed to decide and dispose of Special Civil Suit No.127 of 1997, which is pending on the file of learned Civil Judge (S.D.), Valsad, as expeditiously as possible preferably within one and half years from the date on which the suit becomes ready in all respects, for recording evidence, if any, of both the parties.

[ii] Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court, so as to enable him to dispose of the suit within a given time.

[iii] Meanwhile, the order dated 11/1/1999 passed by this Court (Coram : A.M.Kapadia,J.) in Civil Application No.21 of 1999 and which has been made absolute on 25/1/2000 by this Court (Coram : K.R.Vyas,J.) shall remain effective and operative till the final disposal of the suit. Copy of the said orders passed on 11/1/1999 and 25/1/2000 in Civil Application No.21 of 1999 be sent with writ of this order, to the trial Court.

[iv] The learned Judge of the trial Court is directed to dispose of the suit without being influence by the order passed below Exh.5 as well as the order of this Court passed in Civil Application No.21 of 1999.

4. In view of the aforesaid directions given by this Court, at the instance of both the parties, this appeal stands disposed of accordingly. No order as to costs.

(H.H.Mehta,J.)

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